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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,275	01/16/2004	Akihiro Ozeki	008312-0307686	5145
909	7590	02/07/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			FANTU, YALKEW	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2838	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/1

Office Action Summary	Application No.	Applicant(s)	
	10/758,275	OZEKI, AKIHIRO	
	Examiner	Art Unit	
	Yalkew Fantu	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/16, 2/12, 5/12/04 & 09-27-2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent²³ in the United States.

Claim 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Marvin et al (US 6,761,987).

With respect to claim 1, Marvin et al discloses an electronic apparatus (Fig. 1 element 10) with a fuel cell (Fig. 1 element 12) capable of generating power by chemical reaction (Fig. 1 elements 14 and 42) and a chargeable / dischargeable secondary battery (Fig. 1 element 22), comprising:

Determining unit (Fig. 1 element 32) to determine capacity of the secondary battery when a power supply of the electronic apparatus turns off (Col. 5 lines 14-28).

A controlling unit (Fig. 1 element 40) to cause the secondary battery (Fig. 1 element 22) to be charged when the determining unit determines that the capacity is smaller than the first value.

With respect to claim 2, Marvin et al teaches the electronics apparatus according to claim 1, wherein the controlling unit (Fig. 1 element 40) stops charging the secondary

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battery (Fig. 1 element 22) when specific instruction issued while the secondary battery is issued.

With respect to claim 3, Marvin also discloses controlling unit (Fig. 1 element 40) stops charging the secondary battery (Fig. 1 element 22) and turns on the power supply of the electronics apparatus (Fig. 1 20) if a specific instruction is issued (Fig. 1 element 13; Col. 3 40-46).

With respect to claim 4, the electronics apparatus according to claim 1 (Fig. 1 10), where in the controlling unit (Fig. 1 element 40) stops charging the secondary battery (Fig. 1 element 22) when a predetermined period of time elapses after the battery starts to be charged (Fig. 2 and 3; Col 4 lines 5-20).

With respect to claims 5, 6 and 7 Marvin discloses a controlling unit (Fig. 1 40) charging the secondary battery (Fig. 1 element 22) when the capacity exceeds a second value after the battery starts (Col. 4 lines 40-45). A method of controlling an operation of electronic apparatus (Fig.1 element 10) with a fuel cell (Fig. 1 element 12) capable of generating power by chemical reaction (Fig. 1 elements 14, 42 and 44), secondary battery (Fig. 1 22) and determining capacity of the secondary battery when the power supply turns off and charging the battery (Col. 4 lines 41-46).

With respect to claims 8, 9 and 10 the method according to claim 6, further comprising stopping charging the secondary battery when a predetermined period of time elapses and turning on power if a specific instruction is issued (Col. 4 1-20; Fig. 2 and 3).

With respect to claim 11, Marvin discloses an electronic system (Fig. 1. element 10), comprising: a fuel cell unit (Fig. 1 element 12), an electronic apparatus (Fig. 1 element 20) operable using the fuel cell (Fig. 1 element 12) and a chargeable / dischargeable secondary battery (Fig. 1 element 22). Electronic apparatus comprising, a determining unit (Fig. 1 21/22 element 40) to determine a capacity of the secondary battery (Fig. 1 element 22), a controlling unit (Fig. 1 element 40, 13) to give instruction to charge the secondary battery, and a charging control unit (Fig. 1 element 32) to charge the secondary battery.

With respect to claim 12 the electronic system according to 11, wherein the charging control unit (Fig. 1 element 32 and 40) stops charging the battery and the control unit turns on the power supply of the electronic apparatus if a specific instruction is issued while the battery is being charged (Col. 4 lines 40-47).

With respect to claims 13 and 14, an electronic system according to claim 11, wherein the charging control unit (Fig. 1 element 40) stops charging the secondary battery when predetermined period of time elapses after the secondary battery starts to be charged and when the capacity exceeds a second value (Col. 4 line 15; Fig. 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ozeki et al (US 2003/0143450) reference teaches an electronic apparatus with a fuel cell capable of generating power by chemical reaction and a rechargeable secondary battery with the capability of charge controlling as described in the reference of Marvin et al (US 6,761,987). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on (M-F);(8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Gray', with a large, stylized flourish extending to the right.

David Gray
Primary Examiner